

The Hon'ble Sri Justice C.V. Nagarjuna Reddy

Writ Petition Nos.28827, 30766 & 30767 of 2010

Date : 11-12-2012

Common Order :

These Writ Petitions are filed for a Certiorari to quash Order, dated 23-09-2010, in file Nos.CIC/SM/A/2010/00404 and CIC/SM/A/2010/00405, of respondent No.1.

Two companies *viz.*, Terrygold (India) Limited and Goldwon Textiles Limited at Hyderabad have borrowed loans from the petitioner. As there was default in repayment of the loans, the petitioner has sold the debts to a Company *viz.*, M/s.ASREC (India) Limited. Mr.Kishan Subhan Singh Rajaputra, who is the Managing Director of both the Companies in question, approached the petitioner for providing information on 19 items under the Right to Information Act, 2005 (for short 'the Act'), with regard to the loan transactions between the petitioner and the aforesaid two Companies. The information regarding 17 items was furnished by the Public Information Officer of the petitioner, while the request of the Companies and their Managing Director for furnishing the information on item Nos.16 and 17 was declined. Feeling aggrieved by the said rejection, the two Companies and their Managing Director filed 3 separate Appeals before respondent No.1 under Section 19 (3) of the Act. All the three appeals have been allowed by the Central Information Commission, which is impleaded as respondent No.1 in these Writ Petitions. Feeling aggrieved by the Common Order of respondent No.1 passed therein, the petitioner- State Bank of Hyderabad filed these Writ Petitions.

At the hearing Mr.A.Krishnam Raju, learned Counsel for the petitioner, submitted that respondent No.1 has committed a serious error in not properly considering the pleas of

the petitioner, on the basis of which it has declined to furnish the information in respect of items 16 and 17. The learned Counsel submitted that the debt assignments contain information of other borrowers of the Bank and so does the acquisition value of each of the Company's loan accounts and hence, such information cannot be passed on by the petitioner in view of the provisions of Section 8 (1) (j) and (d) of the Act.

Smt.A.Triveni, learned Counsel representing respondent No.2 in each of these Writ Petitions, opposed the above submissions and contended that her clients wanted only the information relating to their own debt assignments and also the acquisition value of each of the two company's loan accounts only for the purpose of assessing the values of these items in the pending BIFR proceedings.

I have carefully considered the submissions of the learned Counsel for the parties with reference to the impugned common order.

The two queries under serial Nos.16 and 17 and the objections put forth by the petitioner to these queries are reproduced hereunder:

S.No.	Query	Reply
16.	Copy of the debt assignments pertaining to the companies entered with M/s.ASREC (India) Limited and filed in the Central Registry under the SARFESI Act-2002 and since the same became a public document and no more a commercial confidence and trade secret or intellectual property, the disclosure of which would not harm the competitive position of a third party but satisfies the public interest.	It contains information of other borrowers of Bank. So, it can't be furnished and it is a business activity and attracts competitive position in the market for our Bank and other Banks. Hence, the information comes under the exemption clause vide Section 8 (1) (j) and (d) of RTI Act, 2005.
17.	The acquisition value of each of the companies loan accounts by M/s.ASREC (India) Limited	It contains information of other borrowers of Bank. So, it can't be furnished and it is a business activity and attracts competitive position in the market for our Bank and other Banks. Further, involving 3 rd parties information and also kept in fiduciary capacity. Hence, exempted under Section 8

	(1) (j) and (d) of RTI Act.
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As could be seen from the aforesaid queries of the two Companies, the information sought was only with reference to their debt assignments and acquisition value. No information relating to the other Companies has been sought by them. The learned Counsel for the petitioner, however, submitted that there was no separate assessment of debt assignments relating only to the two Companies involved in the present cases and that while selling the debts, the debts of other Companies were also included therein. A similar contention has been advanced with respect to acquisition value of these two companies. This contention of the learned Counsel is not supported by the specific pleas taken by the petitioner before respondent No.1. There is no whisper that no separate debt assignments relating to these two Companies were made and that therefore, it is not possible to segregate the debt assignments of these two Companies and also the acquisition value thereof. Making separate value of debt assignments and acquisition value and including them along with other Company's debt assignments and acquisition value is one thing and making a wholesale debt assignment with separate valuations of debts and acquisition value of each of the Companies is quite another thing. While it is quite improbable that even if the debts of more than one Company are sold and they are not estimated separately, it is not the pleaded case of the petitioner that no such assessments were made. This is the obvious reason why respondent No.1 has observed in the impugned order that information sought in the two queries related to the loan accounts and non-performing assets of the two Companies alone and that it does not stand to reason as to why this information shall be withheld. I am entirely in agreement with the view expressed by respondent No.1 that there cannot be any objection for the petitioner to provide information sought for in item Nos.16 and 17 only to

the extent of the two Companies in question. If really the information relating to other Companies is included by the petitioner, it can as well segregate the same while furnishing the information of the two companies as sought in the said two queries. In this view of the matter, I do not find any reason to interfere with the impugned order passed by respondent No.1.

All the three Writ Petitions are, accordingly, dismissed.

As a sequel, interlocutory applications, pending if any, stand disposed of.

(C.V. Nagarjuna Reddy, J)

11th December, 2012
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